

Trial Section Merits Panel
BOX INTERFERENCE
WASHINGTON DC 20231
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Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

BRENDA F. BAKER
(5,643,780),

Junior Party,

v.

THOMAS H. ADAMS
and MARK A. REYNOLDS
(08/299,931),

Senior Party.

Interference No. 104,452

Before SCHAFER, LEE, and TORCZON, Administrative Patent Judges.

TORCZON, Administrative Patent Judge.

JUDGMENT

(PURSUANT TO 37 CFR § 1.662)

INTRODUCTION

Baker has filed a request for adverse judgment (Paper No. 20). The request is accompanied by a settlement agreement filed under 35 U.S.C. § 135(c) (Paper No. 21), by a statutory disclaimer (attached) of Baker's 5,643,780 patent claims 4

and 7, the only claims designated as corresponding to the sole count, and by a notice that ISIS Pharmaceuticals Inc. is now the assignee of Adams' 08/299,931 application as well (Paper No. 19). The original copy of the disclaimer has not yet been matched with the patent file.

ORDER

Upon consideration of the record of this interference, it is-

ORDERED that judgment on priority as to Count 1 is awarded against junior party Baker;

FURTHER ORDERED that junior party Baker is not entitled to a patent containing claims 4 and 7 of its 5,643,780 patent, which correspond to count 1;

FURTHER ORDERED that, based on the record before us, senior party Adams is entitled to a patent containing claims 1-7 and 10-16, which correspond to count 1;

FURTHER ORDERED that a copy of this decision be given a paper number and be entered in the administrative record of Baker's 5,643,780 patent and of Adams' 08/299,931 application; and

FURTHER ORDERED that the administrative record of Baker's
5,643,780 patent be returned to the appropriate technology
center for appropriate processing of the statutory disclaimer.

RICHARD E. SCHAFER
Administrative Patent Judge

JAMESON LEE
Administrative Patent Judge

RICHARD TORCZON
Administrative Patent Judge

BOARD OF
PATENT
APPEALS AND
INTERFERENCES

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